(192) Department

SERIES.

G.O. No. 530

530

DATED 4-4-1921

[Despatch Abstract.]

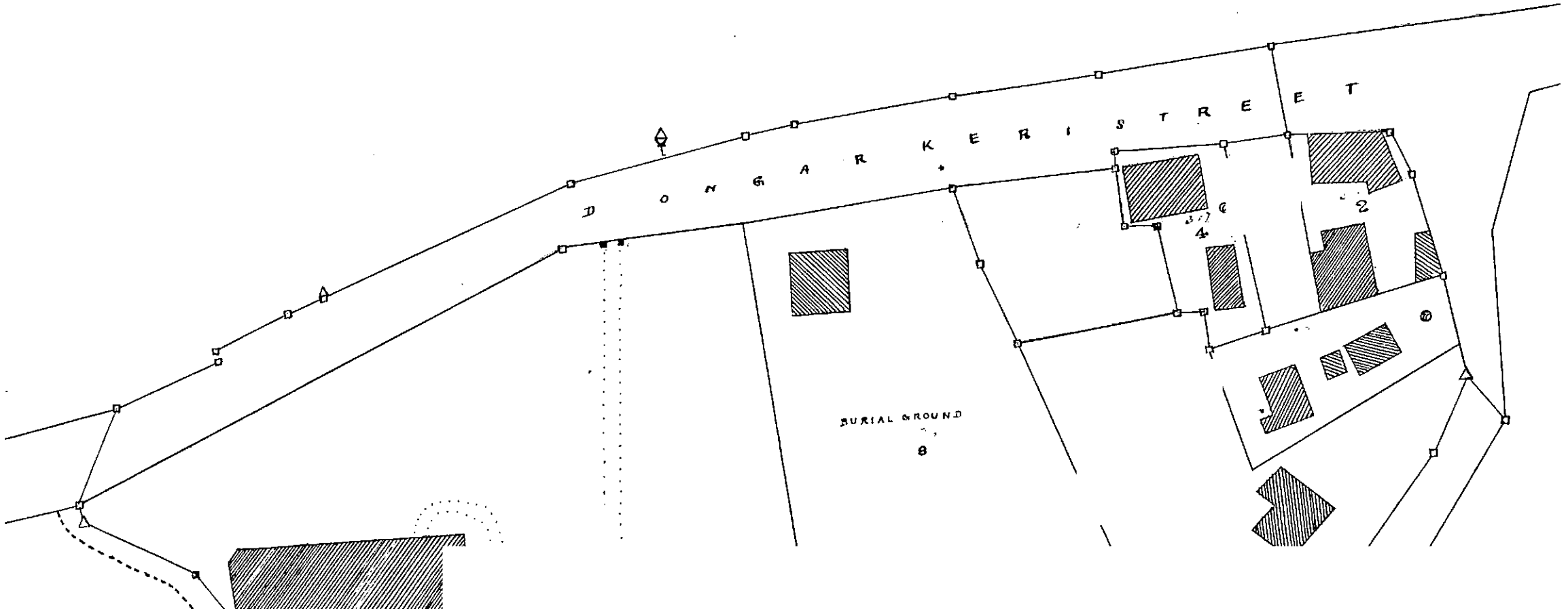
SOUTH CANARA . DISTRICT .

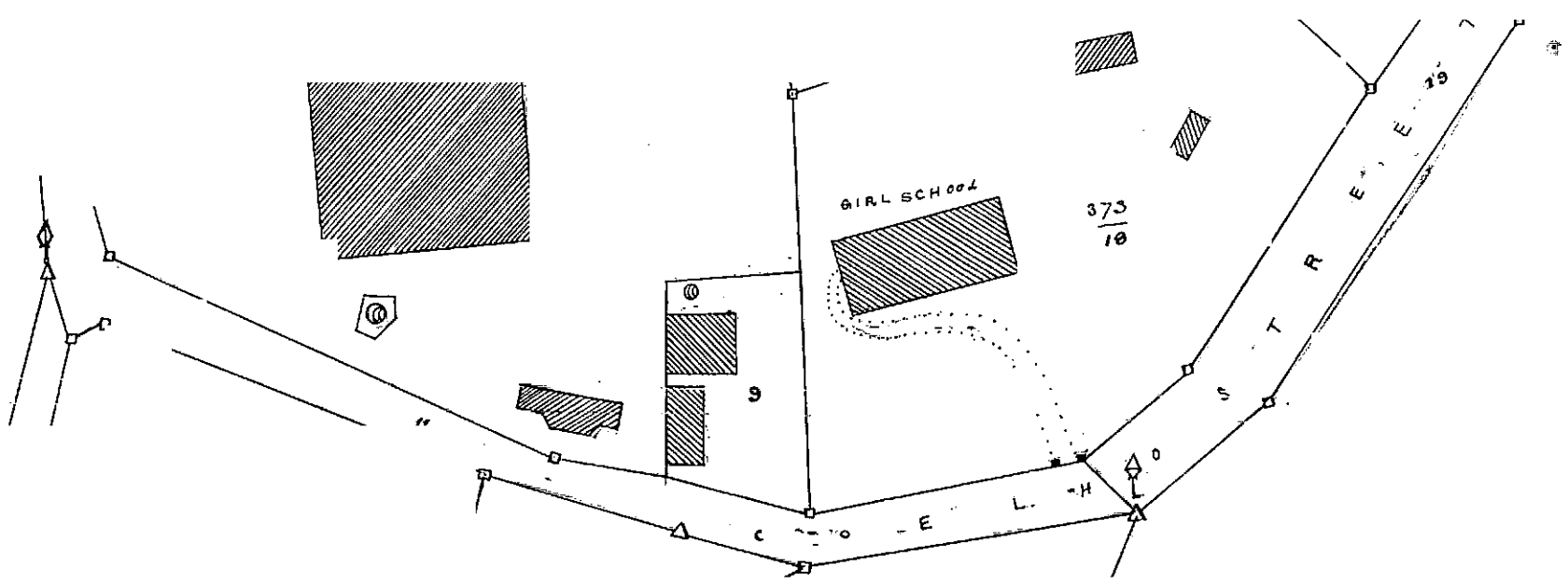
MANGALORE TOWN

WARD No 4. MARKET

-BLOCK No 1

No 1 KODIYALBAIL WARD





Scale 1" = 66 Feet

A Krambrar
8/1/21
Tah Collector

P.M
8.1.20

by

Lakshmanarao
Draftsman

P.S. 4—1,500—8-2-19.

PRIVATE SECRETARY'S OFFICE, MADRAS.

UNDER SECY. TO GOVT. 24 AUG 1920 REVENUE DEPT.

Memo. No. 639-

REGISTRAR HOME DEPT. 27 AUG 1920 GOVT

Transferred to the Secretary to Government.

Department, for favour of disposal.

ENCLOSURES :

(By order of His Excellency the Governor.)

Private Secretary.

The 22-8- 1920.

Home (Education)

To

His Excellency the Governor of the
Presidency of Fort Saint George,
M A D R A S.

Humble memorial of the undersigned members of the Islamia Club, and of the Cutchi Memon community, Manga--lore, South Kanara District, dated 3rd August 1920.

May it please Your Excellency,

Your Excellency's humble memorialists feel -- highly aggrieved by the order of the Collector of South ---- Kanara, Ref.P.R.1751/Rev.'20, dated the 28th July last, and beg therefore to approach Your Excellency in Council for nece--ssary redress. The order under reference is enclosed.

2. The plot which the Canara High School autho-rities want to be acquired on their behalf is not the pri--vate property of any of the petitioners, but belongs to the Cutchi Memon Mosque, the authorities of which institution -- have reserved it for use as a burial ground of their commu--nity.

3. The memorialists learn that the Canara High - School authorities try to make a distinction between that - part of the plot on which graves are visible and the remain--ing portion in which such graves are either invisible or do not really exist. But this distinction does not make any - difference in-as-much as the whole plot is one compact block

from which no portion can be cut off without making it ----- unsuitable for the purpose for which it was acquired and - reserved by the Mosque authorities.

4. The land referred to by the Collector as hav--ing been leased out to a jutka driver does not really ----- contain any graves; but this does not mean that the land is no part of what is reserved for use as a grave yard as ----- occasion demands, nor does it mean that it will not be nece--ssary for such use hereafter. The Canara High School ---- authorities have, it is true, left out the portion now con--taining graves; but it is too much to say that the portion so left out is sufficient for all future needs of the commu--nity, and the present actual grave yard is not in need of - any expansion. If this is not the contention of the Canara High School authorities, then it means that the community -- should make the best of what is left to them i.e., they ---- should bury their dead one upon the other when the space left becomes overfull of graves, and this - only to provide some land to the Canara High School authorities. The memorialist need hardly submit that this is sheer injustice.

5. The petitioners are afraid that the Collector has attached too much importance to the fact that the portio wanted by the Canara High School authorities was leased out to a jutka driver, but he has failed to notice the import of the stipulation in the lease that the lessee "should surren--der possession even before the expiry of the term of(~~of~~) -- the lease in case the Mosque authorities require the same" - This stipulation can have but one meaning and it is that th grant of the lease which was only by the managing trustee -- had not the previous sanction of the Zamath, and that the --

managing trustee did not mean to put the plot to residential use permanently. In this connection, it will not be out of place to add that the Mussalmans themselves have been hanker -ing after a hostel for Mussalman students, and have on --- several occasions dwelt on that point before the Governors - of Madras, and would have gladly built one on the plot now - in question, if they had considered that it could be so used without reducing to the minimum the extent left for use as a grave yard. The Collector was therefore wrong in thinking that the temporary lease granted to the jutka driver meant - that the plot was no more necessary for the purpose of grave yard. That the Collector found the plot all rooted through by pigs in spite of the stipulation in the lease that the -- lessee should keep no pigs without permission shows that it is therefore all the more necessary for the memorialists to have the plot in their own possession. The stipulation in - question was inserted in the lease not because the plot it- -self had graves in it, which it really had not as has been already stated, but because there were graves quite close to it and it was considered necessary all along to preserve the sanctity of the place so that it may be used as grave yard - as occasion requires. Surely, the jutka driver's faithless -ness in having contravened the conditions on which he ---- obtained the lease cannot be made a ground for depriving the Mosque of the only land acquired and kept by the community - for a sacred purpose.

6. True, the Canara High School authorities say that they want the land not for the private use of any one, but for utilising it for extending the hostel buildings --- attached to the High School and for building quarters for -

the hostel and school staff, which, they say, is a public purpose. But it has to be remembered in this connection that the Canara High School is an institution of the Gouda Saraswat Konkany community, in which the whole staff is of their own community. The management of the school is also entirely in the hands of the members of their own commnity and the majority of the boys in the school are also their own. The hostel for extending which the plot in question is said to be necessary has admission to none but their own boys. If such an exclusively sectarian institution can claim State aid for acquiring the plot in question, the purpose for which the Mosque authorities acquired the plot cannot be said to be a private purpose, but an equally public one viz:- a grave yard for the whole community. If the Canara High School authorities are to be helped in the acquisition by recourse to the Land Acquisition Act, the Mosque authorities who are as good a public body should not be deprived of the land acquired by them without the aid of the Land Acquisition Act for their equally public purpose. On the other hand, the State should provide land for grave yard to all communities when necessary, by acquisition if there is no land at the disposal of the State. The memorialists do not want that any land should be acquired for them, but only pray that what they have already acquired for an equally public purpose may be left to them undisturbed.

7. The memorialists here beg to add that the Mosque authorities have been as liberal to the Canara High School authorities as possible in the past. The plot originally acquired by the Mosque authorities for use as grave yard was much larger than what is now in their possession: But seeing the inconvenience of the High School

authorities, all available portions of the land were given - to them and only the minimum space that was necessary for -- the grave yard(~~wear~~) was retained. That the High School -- authorities should now try to secure a good slice of even -- that minimum space is to act the part of the porcupine in -- the well-known fable. The members on the managing Board of the High School are all very influential men, the prominent among them being the lately retired Hazur Sheristedar of the District. The Tahsildar of the Taluk is also a member of - their own community, and they have thus been able to move -- the Collector to acquire the plot on their behalf, misrepre--senting that it is available for acquisition, the Mosque -- authorities having leased it out to a jutka driver, while as a matter of fact the term of the said lease has already ex--pired and the Mosque authorities have sued the jutka driver for possession in O.S.No.16/1920 on the file of the District Munsif's Court, Mangalore, and leased out the plot to a ---- Muhammadan by a registered lease-deed dated 17th December'19 to guard the graves from being polluted by entry of pigs, a step which past experience drove them to take.

8. The memorialists learn that the High School - authorities make much of their having expressed their will--ingness to leave to the Mosque just the portion having ---- visible graves, as if it were a benevolent sacrifice on --- their part, whereas it is nothing but adding insult to in--jury as it means that the community which uses the plot as their burial ground should bury their dead one upon the -- other. In this connection the memorialists feel constrain--ed to cite a recent case which is just like this. In -- Attavar village within this very Municipality, some Hindus

applied for a portion of a Military Burial ground for as --- good a public purpose as the one urged by the High School -- authorities, viz:- opening a Co-operative Society. The --- said burial ground had only three graves in it. The appli--cants proposed that the portion containing the graves may - be excluded and the rest given to them. But the then ----- Collector rightly refused the application holding that it -- was objectionable to appropriate any portion of a burial --- ground for any other purpose. The memorialists are at a -- loss to know why in this case alone a different view should be taken, and pray that Your Excellency may be pleased to -- call for the records of Dis. file No.250B/Rev.18 of the ---- Collector's office and peruse the same.

9. The memorialists learn that there is a G.O.(~~D~~ to the effect that, in all cases of acquisition of land for such purposes, only such land should be selected(~~asis~~) as is less open to objection though it is a little less suitable - for the purpose for which it is to be acquired. The High - School authorities have equally suitable other land close by to select from. Only, it belongs to their own caste people. But such considerations should not weigh with them if they think that the necessities of the school are so imperative as to go in for the acquisition of a portion of a burial -- ground of another community.

10. Lastly, the memorialists beg to add that, --- even in cases of acquisition of land for Railway purposes, a more public purpose than which cannot be conceived of, the Government of India Public Works Code, Volume I, Chapter X, paragraph 25 lays down that "on no account is any church, - chapel, mosque, temple, tomb, or other building devoted to

religious uses to be occupied as a dwelling house or for any other purpose without the consent of the persons interested and the sanction of the principal Civil or Political authority on the spot."

The memorialists beg therefore most humbly -- and respectfully to request in conclusion that Your Excellency may, on a kind consideration of what is stated above, be --- graciously pleased to direct the Collector to stop further - proceedings towards acquiring the plot in question: For --- which act of kindness and justice, the memorialists shall, - as in duty bound, ever pray.

1) M. Jan Mahamma[illegible]
For H. Ethis [illegible]
2) [illegible]
ie Haji Esak Haji Sileman
3) [illegible]
ie Kasam Haji Abdulsahakur
[illegible]
ie Sileman Haji moosa
5) M. Jan [illegible]
6) [illegible]
ie Ahamed Haji Esak
7) Aboobaker Haji Esak
8) [illegible]
ie Sileman Noormamed
9) [illegible]
ie Noormamed Dada
10) [illegible]
ie Abdulgany mamed
11) B. Kadersaheb
ie B. Kadersahib a [illegible]
of messrs G. D. Jayal Hossain & Co
12) [illegible]
ie madar Abdul Karim.
13) Vulimohamed omar
14) Hon'ble Abdul Rahman Mohamed
Hon B. H. Abdulla [illegible] Hariim
15) [illegible]
16) [illegible] ie mukhtoor Ingamulsa Sahiba
17) [illegible]
18) [illegible]
ie M. Miriam Abba & C. Mahamed.
19) [illegible] ie Ahamed Bawa
20) [illegible]
ie mukhtoor Soopy mayakabeen
21) [illegible] ie mukhtoor Shekumbra
22) [illegible]
ie Daddaman Ibramabbabeg
23) Meer Hussain Son of
Meer Alee Dalli Late
Court Ameen -
24) [illegible]
ie Co. Abdulrahemanbeang
25) [illegible] ie Abdullah Sai
26) [illegible]
Hony. Bench magistrate
27) [illegible] Vakil.
28) Abdulgafur [illegible]
29) [illegible]
30) [illegible]
31) [illegible]

33) M Gull Mohamad.

34) Muhammad

35)

re Hassanabba bin Serfidd

36) A. Moosabha.

37)

38) Moosa

39)

40)

re Sayd mohamid miran

41)

42)

43)

44) Abdulkhader

45) Signature of husband Abdulkhader

46) Signature of Hajabba Beary

47) Signature of P. Musabha Hajee

48) Gulam Rasool Harmonist

49 Aboobakar Sahab

50 M. Hassanabba

Ref.P.R.1751 Rev.20.

Proceedings of the Collector of South Kanara, dated the 28th July 1920.

R. H. Ellis, Esquire, I.C.S.

Read the following:-

(1) Petition P.R.No.1751 Rev.20 from Haji -- Ibrahim Elias Shett Saheb and

(2) Letter dated 16th July 1920 from the --- President, Islamia Club, Mangalore objecting to the proposed acquisition of a part of the Memon Burial - ground for the use of the Canara High School, ------ Mangalore.

The plot has been inspected. I do not ---- myself see any force in the religious objection. The land has been leased out to a jutka driver with a clause in the lease that he may not keep pigs with- out permission. If there had been graves in the -- land, this clause would never have been inserted. As a matter of fact there are no graves to be seen - and pigs have rooted all through the land. The --- objection must be over ruled.

28/7

For Collector.

To the petitioner.
Copy to the President, Islamia Club, Mangalore.

POSTS & TELEGRAPHS

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

Handed in at (Office of Origin)	Date	Hour	Minutes	Service Instructions	Words
Bangalore C	31	10	44		27

Rec'd here at 11 [illegible]

H ? Governor Madras

Govrs Camp

Muhammadans Jumma prayers assembled pray request collector drop acquisition proceedings Nehal-madan memon jumma ground memorial & follows

N.B.—The name of the Sender, if telegraphed, is written after the text.

Raj Chand & Sons—3242—12-10-19—3,00,000 Rks. (Edn. I)

Mun Khekar Mamdbary=

40 5386

N.B.—The name of the Sender, if telegraphed, is written after the text.

Raj Chand & Sons—3242—12-10-19—3,00,000 Rks. (Edn. I)

and Mr Dight

This may be lodged and the memorial awaited. No papers regarding the acquisition have yet been received

K.S. Jam
State

NOTES. Page.

Home (Edn) Dept

[Acqn. for the Kanara High School, Mangalore & a part of the Mission burial ground.]

Regd. CRO 1666B/20.

Endt.

Referred to the Collector of South Kanara for remarks.

MR
31-8-20.

BJR
7.9.20.

DESPATCHED
-3 SEP 1920

The Colr of S. Kanara

CR
3.9.20

with CR 1666B ... original to be returned with reply

(Returned after a month)

DESPATCHED

CR

Revenue (Edn) 2138/13

1-11-20

Mangalor

18--10--1920.

To

The Collector of South Kanara.

Humble petition of Ibrahim Elia Shett, Trustee of the Momon Masjid and the Members of the Muslim Hostel Committee, Mangalore.

Sir,

In continuation of the memorial submitted by the Mahomedans of Mangalore in respect of the plot intended to be acquired for the use of the Kanara High School as a playground, we beg to avail of this opportunity to intimate to Your Honor, circumstances which have happened in the meantime in the hope that the said circumstances will be favourably considered in the report that will be eventually submitted by Your Honor to Government.

1 It is well known that the Mahomedans of Mangalore made repeated memorials to more than one Governor of this Province for the assignment of a plot for the accommodation of a Hostel for the use of the Muslim students of South---- Kanara.

2 However, every time the request was made, it failed to achieve its object for one reason or other and the disappointment thus caused has been keenly felt by the Muslim community as a whole.

That the requests so made were not really formal is made clear by the fact that the large amount of money that has been collected for the purpose is practically lying idle in the Banks in which it is deposited.

Having met with disappointment at every turn and having come to realize that all our efforts with the Govern-

---ment for securing a plot are futile, at a meeting of the Memons and other Muslim representatives held recently, it was resolved that the plot which is intended to be reserved for the use of the Panam High School as a play ground should be utilized for the construction of a Hostel to meet the long felt want of the Muslim students of South Panam.

It is needless to dwell on the necessity, of an institution like the hostel for the use of the Muslim students since its importance to the community can be easily recognized and appreciated.

The objection to the assignment of the plot for the use of the Panam High School was principally based upon the Muslim sentiment that the graves in a neighbourhood would suffer from pollution.

If the plot were used for the purposes of a Mahomedan Hostel which is not inferior in purpose for that of a playground for a Hindu School, there will be no objection on the score of sentiment, the residents of the Hostel being themselves Mahomedans.

In the interests of Mahomedan education the petitioners trust that the Government would be considerate enough to leave the plot in question in the hands of the Mahomedans alone though in the matter of assigning a plot for the Hostel, the Government has shown its reluctance.

In the circumstances, therefore, the petitioners pray that your Honor will be pleased in the light of representations set forth above, to recommend that the plot may not be acquired as contemplated but be left for the Mahomedans for the accomodation of a Hostel.

I have to remain,

Sir,

Your most obedient servant,

Haja Meraken Sahib

Trustee of the mamon mm

1. [illegible]
A. H. S. Mahomed's merchant

2. Abdulrahimmuthappa
Land holder

3. M. Mahomed
(Hon. Magl & merchant)

4. (W. Ross

Members of the Hostel Committee

Copy to the Secretary, to Government

educational Department

Madras

Regd. Home (Edn) Dept

The matter is already under referen
to the Collector of South Kanara — (W). The
present memorial is only a
addressed to the Collector. No
on this. The Coll's reply
reference may be await

M
11.11.20

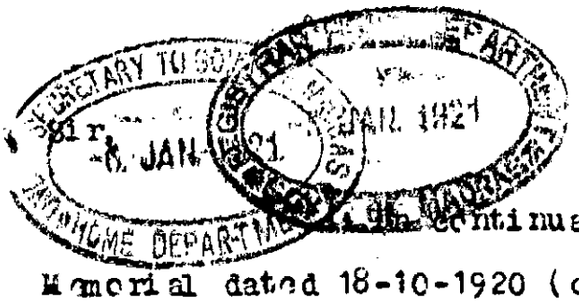
Jd.
2.11.20

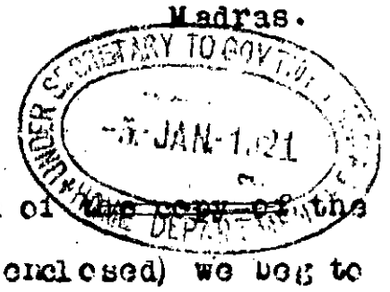
CR
3.11.2

To

The Secretary to Government Educational Department,

Madras.





Sir,

In continuation of the copy of the Memorial dated 18-10-1920 (copy enclosed) we beg to state the following:-

That the Mohamedans had applied for 3 separate plots consecutively for the purpose of the construction of a Mohamedan hostel in this town. But every time the request was made it failed to achieve its object for one reason or other.

That we did wait in a deputation on several occasions on the Governor whenever His Excellency happened to visit our town. A reference to the Collector of South Kanara will show that our efforts are genuine. In the Memorial quoted above we had objected to the plot being acquired for the use of the Kanara High School playground as the same was required by us for the construction of hostel. The plot in question being very close to the different schools & colleges in the town and being situated in a healthy part of the town is best adopted for a hostel

That a suit has already been filed against the present occupant of the plot & the construction of the hostel building will be commenced immediately after his ejection.

We beg to remain,

Sir,

Your most obedient servants,

Mangalore,
Dated: 24.12.20

(Illegible)
Abdulrahmanbhano
Hostel Committee mem

Yours truly,

[illegible]

Dear Sir,

Referring to the communication of the 18th inst. (copy) enclosed we beg to state that the Secretary to Government Agriculture Department

Received dated 18-10-1920 (copy) enclosed we beg to state that the Secretary to Government Agriculture Department

Yours truly,

[illegible]

Dear Sir,

Referring to the communication of the 18th inst. (copy) enclosed we beg to state that the Secretary to Government Agriculture Department

Mangalore.

18--10--1920.

To

The Secretary to the Government,

Educational Department, Madras.

Humble petition of Ibrahim Elia Shett, Trustee of the Memon Mash and the Members of the Muslim Hostel Committee, Mangalore.

Sir,

In continuation of the Memorial submitted by the Mahomedans of Mangalore in respect of the plot intended to be acquired for the use of the Kanara High School as a playground, we beg to avail of opportunity to intimate to Your Honor, circumstances which have happened in the meantime in the hope that the said circumstances will be favourably considered in the report that will be eventually submitted by Your Honor to Government.

It is well known that the Mahomedans of Mangalore made repeated memorials to more than one Governor of this Province for the assignment of a plot for the accommodation of a Hostel for the use of the Muslim students of South---- Kanara.

However, every time the request was made, it failed to achieve its ~~xxx~~ object for one reason or other and the disappointment thus caused has been keenly felt by the Muslim community as a whole.

That the requests so made were not really formal is made clear by the fact that the large amount of money that has been ~~xx~~ collected for the purpose is practically lying idle in the Banks in which it is deposited.

Having met with disappointment at every turn and having come to realize

The Secretary to the Government,

Educational Department, Madras.

Humble petition of Ibrahim Bin Ghaus, inc

of the Patan and the Members of the Muslim

Postal Committee, Bangalore.

---ment for securing a plot are futile, at a meeting of the Memons and other Muslim representatives held recently, it was resolved that the plot which is intended to be acquired for the use of the Kanara High School as a play ground should be utilized for the construction of a Hostel to meet the long felt want of the Muslim students of South Kanara.

It is needless to dwell on the necessity, of an institution like the hostel for the use of the Muslim students since its importance to the community can be easily recognized and appreciated.

The objection to the assignment of the plot for the use of the Kanara High School was principally based upon the Muslim sentiment that the graves in the neighbourhood would suffer from pollution.

If the plot were used for the purposes of a Mahomedan Hostel which is not inferior in purpose for that of a playground for a Hindu School, there will be no objection on the score of sentiment, the residents of the Hostel being themselves Mahomedans.

In the interests of Mahomedan education the petitioners trust that the Government would be considerate enough to leave the plot in question in the hands of the Mahomedans alone though in the matter of assigning for the Hostel, the Government has shown

NOTES.

Law (Jud) Dept.

C. no 613

[C. no 613] Petition from Members of Hostel Committee, Kau

Endorsement no 613-1 Ext 7-1-2

Referred to the Colle
of South Kanara for remarks in
Continuation of End[t] no 1666B

12
[illegible] CF 3.9.20

CR
7.1.21

Copied Cus
7.1.21

DESPATCHED
8 JAN. 1921

RS
1.21

To the Collector of S. Kanara
(End[t] with pp 5-8 C[l]
in original to be returned
with reply)

HOME (EDUCATION) **DEPARTMENT.**

CNO 1163

Received ..... 191 *Registered* 10/1 1921

Subject.

Reference:- Government memorandum o.5336 M., dat 9th August and No.1666 E-1 dated 3rd September last - La Acquisition - Canara High School extension - Mahomedans' objection.

ENCLOSURES.

Spare copies.....

P.O.C. **No.** 3472 Rev.19.

Station Bangalore , *Dated the* 31st December 19[illegible]

From (*Name*) M.R.Ry. Rai Bahadur U. Rama Rao Avl., B.A.

(*Designation*) Ag. Collector of South Canara.

To The Secretary to the Government of Madras,

Home (Education) Department.

Sir,

The Manager, Canara High School has applied thro - the Inspector of Schools for the acquisition under the --- Land Acquisition Act of S.Nos.374, 373, 379 & 380 in the - Town of Mangalore for want of accommodation to meet the -- increasing strength of the school and also the present --- educational requirements as their acquisition by private sale is not possible owing to legal difficulties. These plots, the school compounds and two other small plots of - which one is a burial ground and the other belongs to the Brahma Samaj are surrounded on all sides by public roads. -- Owing to this fact, no other land can be as suitable as --

the lands in question for purposes of the school. The ----- school authorities also intend purchasing the Brahma Sāmaja plot by ------- negotiation.

2. S. No. 374 referred to above is the plot the -------- acquisition of which has been objected to in the memorial to Government. It is a trust property in the management of one Haji Ibrahim Elias Shet Sahib. Though it bears no evidence of having been used for several years for burial purposes, it is alleged to have been set apart as a burial ground. A --- small portion in the middle of it contains a few old graves. The northern portion of the plot contains a thatched house -- used for dwelling and two outhouses used for repairing jatkas. The southern portion adjoining the school hostel is vacant and it is freely used as an open latrine by the public in the --- neighbourhood. For this reason at least, if not for any --- other, its acquisition becomes imperative on sanitary grounds. The whole plot is held by one Chennaya (a Hindu) on term ---- lease from 22nd July 1914. Though the lease terminated on 31st July 1919, the said Chennaya still continues to be in -- possession of it. The lease does not prohibit the lessee -- from building houses etc. on the land but lays down that he - shall not be entitled to recover the value of the improvements effected by him.

3. The weightiest objections advanced against the ---- contemplated acquisition are that the very object (burying the dead) for which the plot has been set apart will be --------- frustrated and that the sanctity and religious regard attached to the plot will be interfered with. The permissive nature of the covenant in the lease regarding buildings etc. coupled with the fact that pigs are bred on the spot (vide enclosure to my predecessor's reply to Government memorandum No. 5336 M. dated 9th August 1920) strikes at the very root of the ------- objections urged. Subsequent to the submission of the ----- memorial, the Trustee named above and the members of the ----

Mahomedan Hostel Committee have sent me a joint petition (copy enclosed) requesting me to eliminate this plot from the ------ acquisition proceedings, as they have decided to construct a hostel thereon, their efforts in the past to secure a suitable site elsewhere having proved futile. The Divisional Officer, Bangalore to whom this petition was referred for remarks ----- considers that the plot is most unsuited for the purpose and that the idea of the construction of the hostel on the site is an ----- afterthought. I agree with the Divisional Officer. I may, however, state that it is proposed to subdivide the area ----- actually containing the old graves and allow free access to it from the road, and that the school authorities are prepared, if necessary, to give an undertaking not to build any houses etc. on this plot.

4. The allegation that the Canara High School is a ---- sectarian institution is far from the truth. Though the ---- management of the school is entirely in the hands of the ----- members of the Gowd Saraswath Community, the school is open to the public without any distinction of caste or creed and in -- fact numberless students of other communities including ------ Mahomedans are borne on the rolls and members of other ------- communities including Tamilians are on the staff. It is ---- perhaps as much a sectarian institution as the local -------- St. Aloysius' College or K.E.M. High School are.

5. With regard to the analogy alleged to exist between the proposal in question and the subject disposed of in my --- Dis. No. 250 R. Rev. 18, it may be observed that in that case the building proposed to be constructed on the plot applied for -- was intended to be used for religious and devotional purposes as well and the application was rightly refused. In the ---- present case, however, the school authorities are prepared not even to construct any buildings on the plot forming the ------ subject matter of the present controversy. A copy of the ---

petition sent on behalf of the Managing Board and the ------- Disposal file referred to in paragraph 8 of the memorial are enclosed for perusal and favour of return.

6. I enclose also a sketch illustrating the acquisition proposal together with the enclosures to the Government ----- memoranda under reply.

S.I.21

For Ag. Collector.

Enclosures.

Copy of petition No. 5, dated 8th June 1920, from ----- M.R.Ry. A. Srinivasa Pai Avargal, B.A., B.L., Correspondent, Canara High School, Mangalore to the Collector of South ----- Kanara.

I pray that in addition to acquiring the plots ------- described in my application to you dated 11.10.1919 you may - be pleased to acquire S.No.378 of Kasba Bazaar village ------ (Mangalore) and the buildings thereon for the Managing Board of the Canara High School. The acquisition of these has --- become necessary under the following circumstances.

The School Hostel which now contains 60 boarders ----- admits all Caste Hindus. In the case of non-Brahmins ------ however meals (which are the same as those prepared for the - Brahmin boarders) are served in their own rooms. This ----- arrangement is unsatisfactory, and cannot be continued when - there are a large number of non-Brahmin boys. Their food is also different, and it would be best that they should have a separate kitchen and mess of their own. The School expects - an increase in the number of non-Brahmin boarders this year,

there having already been several applications from Coorg. The building contains a kitchen, and one fairly large hall which may be used as a dining hall downstairs. There is an airy and well lighted hall upstairs which may be used at all times for reading purposes and as a dormitory by the younger boys, and by the older boys when there is not sufficient accommodation in the present hostel buildings for that purpose. I may here draw your attention to the fact that the Bunt and Jain Hostels are not able to accommodate all the non-Brahmin school-going population that comes to Mangalore from the Moffusil. Even in respect of their own castemen, the demand for accommodation exceeds the available space. A large number of non-Brahmin students attending the School live in unsatisfactory private hostels, and will be drawn to the school Hostel in case separate kitchen and mess arrangements are made for them.

At present the buildings sought to be acquired are used in a very insanitary manner, a matter on which I need not dilate as you have personally seen the plot and buildings. The building also contains a shop which the acquisition will enable us to close, adding the extent of the shop by a little structural alteration to the hall downstairs.

In the circumstances stated above I pray that you may be released to acquire for the Canara High School, Mangalore, plot S. F. No. 378 of Kasba Bazaar village with buildings thereon under the Land Acquisition Act.

Copy of petition dated 18th October 1920 from certain Mahomedans of Mangalore to the Collector of South Kanara.

In continuation of the Memorial submitted by the

Mahomedans of Mangalore in respect of the plot intended to be acquired for the use of the Kanara High School as a play-ground, we beg to avail of this opportunity to intimate to -- Your Honour, circumstances which have happened in the meantime in the hope that the said circumstances will be favourably -- considered in the report that will be eventually submitted by Your Honour to Government.

It is well known that the Mahomedans of Mangalore made repeated memorials to more than one Governor of this Province for the assignment of a plot for the accommodation of a Hostel for the use of the Muslim students of South Kanara.

However, every time the request was made, it failed to achieve its object for one reason or other and the disappointment thus caused has been keenly felt by the Muslim community as a whole.

That the requests so made were not really formal is -- made clear by the fact that the large amount of money that -- has been collected for the purpose is practically lying idle in the Banks in which it is deposited.

Having met with disappointment at every turn and ----- having come to realize that all our efforts with the -------- Government for securing a plot are futile, at a meeting of -- the Memons and other Muslim representatives held recently, it was resolved that the plot which is intended to be acquired - for the use of the Kanara High School as a play ground should be utilized for the construction of a Hostel to meet the long felt want of the Muslim students of South Kanara.

It is needless to dwell on the necessity of an institution like the hostel for the use of the Muslim students since its importance to the community can be easily recognized and appreciated.

The objection to the assignment of the plot for the use

of the Canara High School was principally based upon the ----- Muslim sentiment that the graves in the neighbourhood would -- suffer from pollution.

If the plot were used for the purposes of a Mahomedan - Hostel which is not inferior in purpose for that of a play- ground for a Hindu School, there will be no objection on the - score of sentiment, the residents of the Hostel being -------- themselves Mahomedans.

In the interests of Mahomedan education the petitioners trust that the Government would be considerate enough to leave the plot in question in the hands of the Mahomedans alone ---- though in the matter of assigning a plot for the Hostel, the - Government has shown its reluctance.

In the circumstances, therefore, the petitioners pray - that your Honour will be pleased in the light of representa- tions set forth above, to recommend that the plot may not be - acquired as contemplated but be left for the Mahomedans for -- the accommodation of a Hostel.

8/1/21

For Ag. Collector.

MRB
8/1/21

'07

No. 73.

Canara High School,
Mangalore, 11 th Octr. 1920.

From

M.R.Ry. A. Srinivasa Poi, Avgl, B.A.B.L.,
Manager, Canara High School,
Mangalore.

To

The Collector of South Kanara, Mangalore.

Thro' the Inspector of Schools, IX Circle, Bangalore.

Sir,

I pray that you may be pleased to take the ---- necessary steps to acquire under the Land Acquisition Act, Survey Nos. 374, 379 and 380 of Kasba Bazaar -- village No. 106, Mangalore town with all the trees, -- buildings etc. standing thereon for the Managing ---- Board of the Canara High School which is prepared to pay for them the price fixed by the Land Acquisition Officer who may be appointed by Government. The --- school authorities will however apply to the Director of Public Instruction for a grant of half the --- above amount , as soon as the same has been ascertained in the Land Acquisition Proceedings.

The strength of the school is in excess of the accommodation. The strength now stands at 830, in spite of the fact that for several years past numerous applications for admission were rejected, for want of accommodation. Classes have had to be held not only in the school hall, but in the common room of the school Hostel. Additional buildings have thus become necessary. Besides this, to satisfy the present educational requirements, separate rooms for Geography,

oom for kindergarten and if possible for Natural cience which is at present taught in the B. roup as also a separate one for Commercial --- ubjects are required. We also intend to open -- hemistry in the C. group for which we have got -- ll the necessary apparatus and chemicals. The hemistry Laboratory will have to be either accom- odated in additional buildings, or will have to -- isplace the existing classes, which will necessitate resh buildings for those classes. The question of cquiring grounds adjacent to the school has there- fore become an urgent one. We may here point out hat the already existing buildings have encroached o much on the existing space, that there is very --- ittle play-ground left, which compels the cricket --- teams of the school to practise on the Parade Ground, which is nearly six furlongs from the school.

S. No. 374 seems to be owned by the trustees of the Cutchi Memmon mosque in Mangalore. Though -- there are several trustees, only the Mangging ------- trustee Mr. Ebrahim Elias Shet seems to have given the plot on lease to ajjutkaman one Chennaya on 22nd July 1914, the lease to terminate on 31st July 1919. The said lessee Chennaya continues to be in possession of the plot. One thatched house and two out houses are recited as standing on the leased property at the ---- time of the lease, and since then two sheds have been put up which are used as work-shops for repairing --- jutka accessories &c, the lease does not prohibit ---- the lessee from building, and only lays down that he - shall not be entitled to recover the value of his --- improvements, thus showing that it contemplated build- ings, which can be the only substantial improvements in the heart of a town like Mangalore. That the ---- plot is not regarded as sacred in any way is further

shown by the covenant in the lease that the lessee can breed pigs on the plot with the permission of the ---- lessor. Pigs have been bred on the plot as a matter of fact, and the portion of the plot adjoining the Canara Hostel has been freely used as a latrine by the tenants of this plot, and by neighbours. These facts added to the small and ill ventilated buildings which have --- sprung up on the street-side of the plot, have made its acquisition necessary from the stand point of sanitation, apart from other necessities of the school.

We may point out that the burial ground of the --- Cutchi Memmon, which, however, has not been used as --- such for more than the last 30 years has been separately demarcated as S. No. 376, which has separate access from the road. This has been classified by the ----- Settlement authorities as dry land, while S. No. 374, has been classified as garden. These facts, together with the circumstance that S. No. 374 has been leased to a Hindu, who has built upon it, and the actual --- recital in the lease with regard to the breeding of --- pigs etc. show that S. No. 374, has not been used for any religious purposes, and that it is not regarded -- as being in the least degree sacred. We may however here state that if Government want us not to erect any buildings except on the portion on which buildings --- already stand at present, we are prepared to comply with such a condition.

The school authorities are however unable to acquire the plot, firstly because of the disabilities which the law imposes on conveyances by trustees, who cannot alienate except for necessary purposes of the -- trust, and secondly because, apart from the disabilities, it is difficult to make the trustees act conjointly, without which conjoint action, any sale or lease by them would be void. The school cannot afford to spend ---- large sums on buildings on a plot held on insecure ---

or doubtful title. The school authorities are thus driven to invoke the help of the Land Acquisition --- Act

With regard to the second plot S. No. 379, it is mulgeni plot, which cannot be alienated except --- with the consent of the lessor. The negotiations -- which the school authorities carried on for the purchase of the plot have only resulted in the Mulgeni -- tenant demanding an exorbitant price for the plot. We have reason to believe that in the sale deed in favour of one Kanthu Bhandary in respect of the plot, a larger consideration than actually passed has been shown, in the anticipation that the school authorities would --- ultimately be driven to purchase the plot.. There was a house and an out house in this property. The --- roofs of both have been removed, and in all probability the buildings themselves are likely to be dismantled.

We beg to point out that S. No. 374 is surround -ed on all the three sides by S. No. 363, 373 and --- 375 (of Kasba Bazaar) which respectively comprise the school compound, the school Hostel compound and the -- Warden's premises, while S. No. 379 is surrounded on -- two sides by the aforesaid Warden's premises. The --- necessity of the school acquiring these plots is ---- cogent from this circumstance alone. The third plot S. No. 380 is owned by an Aliyasantana family, which cannot sell the plot by private sale, unless all the - members of the family join, (which in the case of such families is very difficult) or unless for proved ---- necessities of this family. It is only under Land -- Acquisition Proceedings therefore that we shall get a secure title to the property. We may point out that on the 11 cents included in S. No. 380, several small ill-ventilated buildings stand, which greatly impair the sanitation of the locality

:cur in these buildings, as well as those in S. Nos. '4 and 379, and the danger of contagion spreading to .e school and hostel is always a serious one.

A certified copy of the Vaide geni chit or rent- nd executed by Jutkaman Chennaya

respect of S. No. 374 along with an English transtion of the same has been sent herewith. This -- tition has been prepared in duplicate, a separate -- py being forwarded to the Inspector of Schools.

I therefore humbly pray that you may be good ough to acquire the aforesaid S. Nos. 374, 379 and) of Kasba Bazaar, with all trees, buildings etc. anding thereon, except such buildings put up by nants, as we are not bound to pay for, under the --- and Acquisition Act. I further pray that steps may be taken for the above purpose expeditiously, so that we may be in a position to undertake the work of extension of school buildings as early as possible.

For which favour I shall as in duty bound ever pray.

I have etc.

Sd/ A. Srinivasa Poi

Manager, Canara High School, Mangalore.

E n c l o s u r e

No. 1.

Schedule showing area, assessment and classification of the plots sought to be acquired:-

	Area	Assessment.	Wet, garden or dry.
S. No. 374.	0. 75 cents	Rs.9	Garden.
S. No. 379	0. 14 "	" 1/11	do
S. No. 380	0. 11 "	" 1/5	do.

E n c l o s u r e

No. 2.

Vaidegenichit of immoveable properties executed

by jutka driver Chennaya, nephew of Jaru Baidya, ---- 35 years of age, Billava by caste residing in ------ Codialbail in favour of Haji Ebrahim Elias Shet, son of Halsu Shet 30 years of age, Memmon by caste, a--- trader residing in Golikatta Bazaar, Mangalore. Of the properties managed by you for the Mosque of the -- Cutch people living in Mangalore, I have hereby taken on lease under you for the 5 years from 1st August -- 1914 till 31st July 1919 the properties fully described below. I shall pay you the monthly rent ---- agreed to be paid by me, Rs. 10 by the end of every - month, obtain receipt from you and surrender all the properties to you in good condition at the end of the term. Neither we nor our representatives in interest or heirs shall be entitled to say that the rent shall be either increased or reduced during the said term. I shall be bound to pay you rent at Rs. 12/- per mensem with interest thereon at 12½% from the date of default till the date of realisation, in case I fail to pay you the above rent every month within time. If I cut any of the trees on the property or their branches I shall be bound to pay you the damages for the same. If you cut the trees at any time you shall have to give me a receipt, and cut and remove them. I shall not -- breed pigs on the said plot without your consent. I am not entitled to ask from you the value of the ----- improvements that may be effected by me on the said -- property. I shall not object to your taking possession of the plot, without regard to the term fixed above, - only if the mosque authorities require the property -- before the term fixed. If I waste the garden &c. in -- any manner, I myself shall be responsible for the ----- damages ensuing therefrom.

Description of the properties included in the -- aforesaid vaide-geni-chit.

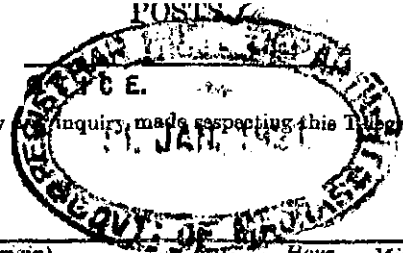
Registration District	...	South Kanara.
Do Sub District	...	Mangalore.
Municipal ward	...	Codialbail.
Village according to Survey.	...	No. 106 Kasba Bazaar.
Survey No.	...	374.
Classification.	...	Bagayat.
Area.	...	75 cents.
Assessment.	...	Rs. 9/-
Remarks.	...	The Bagayat included in the -- ove property -- well as thatch-house T. S. No. 32/2 one hutty -- (cowshed) one -- kottige (outhouse) 4 jack trees, 4 -- mango trees, and 18 cocoanut trees.

/True copy/

For Collector. 7.1.21

7.1.21

POSTS & TELEGRAPHS.



This form must accompany every inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Mian Fuchse-Ina (c. M.					24

TO

Read here at 1 H. 11 M.

Sew Yout - Secretariat
(Exptt medical Fund -
Mohammadan Association
Bombay Muslim Leg
Fund for muslim Ladies
other Funds for musl
Ladies. Capital - Kayas

N.B.—The name of the Sender if telegraphed, is written after the text.

Lal Chand & Sons—632—22-5-20—2,50,000 Bks. (Edn. II).

NOTES.

Law Secy Dept

C. No 116 B & 122 B

From the Collector of S. Kanara No 3472 Rev dy 31.12.

Acqn of land for the Kanara high School, Mangalore

End. No 116 B-1 Edn dy 17.1.21

Referred to the D.P.I. for remarks

CR 13-1-21

CR 16.1.21

DESPATCHED 18 JAN. 1921 with Encls

DPI (with whole CF in original together with the Sketch & Collectors office despatch - Secy No 256 R dy 10.10.18 to be returned with reply)

Note

A petition from the members of the Muhammadan hostel Committee Mangalore, was received & referred to the Collector of S. Kanara for remarks vide end. No 61 B-1 dy 7.1.21 on p 16 C

The Collector's further remarks if any may be awaited

In the meanwhile the CF may be sent to the D.P.I. for [illegible]

25 3.1.21

14.1.21

Remind after three weeks

S.C.A.

Government of Madras
Law(Education)Department

No.

Petition from members of Hostel Committee, -
Mangalore dated 24th December 1920

11 JAN 1921

Endorsement No.61 B-1 dated 7th January 1921.

Referred to the Collector of South Kanara for remarks in continuation of Endorsement No. 1666 B-1 dated 3rd September 1920.

(By order)

11 JAN 1921

11 JAN 1921

GOVT. OF MADRAS

Registrar
8/1
Rai
8/1

To

No. 195 B
17.1.21

The Collector of South Kanara.
(with enclosure to be returned with reply)

No. 294-21-E1.

Reconnected in continuation of my reply dated 31.12.20 to Government memorandum No. 5386 M dated 9.8.1920 and Endorsement No. 1666 B-1 dated the 2nd Sept. 1920

8/1 11.1.21 AN

Asst. Collector
21.1.21

NOTES. Page

Law (Edn) Dept

C. no 195-B

Play grounds for Kanara high School, Mangalore.

Endt. No 195-B dt. 17.1.21

Referred to the D.P.I. for remarks in Continuation of endt. no 116 B-1 Edn dt 17.1.21.

20.1.21

20.1.21

21.1.21

copied Endt

DESPATCHED 22/1/21
24 JAN. 1921

To the D.P.I. (with Current original to be returned with reply)

Remind — after 3 weeks.

C.F.—29.

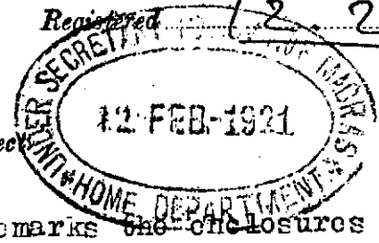
Eg.

DEPARTMENT.

C.No.490B

Received 191

Registered 12.2. 1921



Subject

4/2/21

Returning with remarks the enclosures received with Govt. Endts.Nos.116B-1 dated 17-1-21 and 195 B-1 dated 21-1-21 re.objections against acquisition of land for the extension of the Canara High School.

ENCLOSURES.

No.

Spare copies

Re No. 484/21

Station Madras, , *Dated the* 11. 2 1921.

From (Name) R.G.Grieve, Esq., M.A.,

(Designation) Ag. Director of Public Instruction

To The Secretary to the Government of Madras,

Law (Education) Department.

Sir,

In returning herewith the enclosures received with your endorsement Nos.116 B-1 dated 17-1-21 and 195 B-1 dated 21-1-21 in connection with the objections raised by the members of the Islamiah Club and of the Cutchi Memon community of Mangalore, I have the honour to state that I agree that the objection raised by the Muhammadans should not stand. The Collector's reply to Government makes this clear. The idea of their erect a hostel themselves is evidently an after-thought. The terms of the lease, the pigs and the insanitary condition of the plot strike at the root of the objection.

December last and consider that from an educational point of view acquisition is very desirable. I suggest that the memorialists might be asked how much money they have in hand for constructing a hostel.

I have the honour to be,

Sir,.

Your most obedient servant,

for Director of Public Instructi

TRS.

NOTES. 38 Page

L and M Dept

Telegram C. No 5386 M from Mukhtesar
Mannubeary d/31-7-20

Memorandum No 5386-M. d/2/8
Referred to the
Collector for remarks.

7/8/20

B.B.

The Collector of S. Kanara
(a memo with the
Current in original to be
returned).

LOCAL AND MUNICIPAL **DEPARTMENT.**

Received ..... 191 *Registered* Clo 5776 19

Subject.

Government Memorandum No. 5386-M., dated 9.8.1920.

Land acquisition - Mangalore - Telegram from Mukhtehor, Mamu Beari.

Revr

L & M Depts

Lodged

W.S.Rm 9.8.20

ENCLOSURES.

No.

Spare copies

Ref. G. B. **No.** 1158/Rev. 20.

Station Mangalore, *Dated the* 18th August 19/20.

From (Name) R. H. Ellis, Esquire, I.C.S.,

(Designation) Collector of South Kanara.

To The Secretary to the Government of Madras,

Local and Municipal Department.

Sir,

It is not possible to offer any remarks on the ---- telegram itself. When the memorial referred to in the -- telegram is received, I shall submit my remarks. Meanwhile, I submit herewith for the information of Government a copy of my order passed after a local inspection of the land -- proposed to be acquired.

To the Collr. Cnd will be returned. Perhaps it could be submitted with memorial.

p 3 infra

For Collector.

M. S. R. /18-8.

19.8.20

Ref.P.R.1751 Rev.20.

Proceedings of the Collector of South Kanara, dated the 28th July 1920.

R. H. Ellis, Esquire, I.C.S.

Read the following;

(1) Petition P.R.No.1751 Rev.20 from Haji ---- Ibrahim Elias Shett Saheb and

(2) Letter dated 16th July 1920 from the ----- President, Islamia Club, Mangalore objecting to the - proposed acquisition of a part of the Memon Burial -- ground for the use of the Canara High School, ------- Mangalore.

The plot has been inspected. I do not ------ myself see any force in the religious objection. The land has been leased out to a jutka driver with a --- clause in the lease that he may not keep pigs without permission. If there had been graves in the land -- this clause would never have been inserted. As a -- matter of fact there are no graves to be seen and --- pigs have rooted all through the land. The objection must be over ruled.

Sd/ R. H. Ellis,
28-7-20.
Collector.

/True Copy/

For Collector.

Ag.
19.8.20.

C.F. 16—17-2-14.

OFFICE NOTE. 41

SUBJECT. Acqn grands - Kanara High school Mangalore

From Law (Edn) dept

Regr Supdt

Register No. 3857

The file referred to by the Law (Edn) dept in their footnote to the draft order is apparently on no 5386-1 L+M 2/9-8-2 now added to the C.F — vide p 38 C.F. In this the Collector S. Kanara was asked for remarks on a telegram received from a Muhattean Mammbeary protesting against certain acquisition proposals by the Collr of S. Kanara. The telegram which was sent to the collector was evidently returned to the Edn - dept + is on page 11 of their C.F. to the subst The memorial promised in the telegram was not received here. It seems to have been addressed to the Edn. dept, & the question has been dealt with there.

Submitted that the draft order may be accepted in this department & the file returned to the Law (Edn) dept

Law (Edn) no 4

+M. No. no. 2-1 L+M 8/16-3-21.

19 MAR 1921

19 MAR 1921

through L. secretn

No. 1505

19 3.21

Regr 5-3-21

M 9.3.21

f 9753
f 1606 13

Home (Edy) Dept

Subj to the draft may now issue

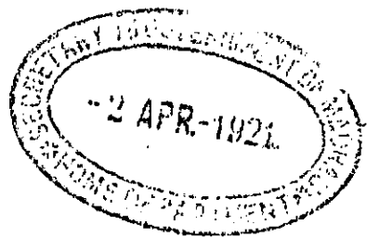
20.3.21

20.3.21

21.3.21

22/3/21

M I - approved
ab/a



Scott ... (a) - 35,10[illegible] - 9-2-20.

Acq[n] of Land

W/ Law (Leg[a]) DEPARTMENT.

requires for the Kanara high School, Mangalore
- orders passed -

READ AGAIN G.O. No. ....., dated 192

" " " " ..... " 192

READ ALSO:-

G.O. No. 1666 B (Memorial) From the ~~Raja~~ Ebrahim Elias Sheff & others No. — , dated 3-8-1920

2183 B — do — 18-10-20

" " 116 B " " Collector of S. Kanara 3472 Rev/19 dt 31-12-1920.

" " 490 B " " D-P-I " 484/21 dt 11-2-1921.

ORDER. No. 530 dated 4-4-1921.

His

The Govt see no sufficient reason to comply with the request of the memorialists to desist from ~~compulsory~~ the acquisition of the land required for the extension of the Kanara High Sch Mangalore.

2. The Govt understand that S. No 374 is ~~much~~ unsuited for the purpose of a Hostel. The Muslim Hostel, Committee, Mangalore, is informed that ~~Govt will give due consideration to~~ any proposal formulated by the committee for the construction of a Hostel on a more suitable site will receive consideration

para 3 app 19 CR

D/41 dt 4/4/21 ENDORSED 6/4/21

Memorialists.

D-P-I.

Collector of S. Kanara (with proceedings)

Opo

Note

19-2-21

TRue 2-21

21-2-21

Note

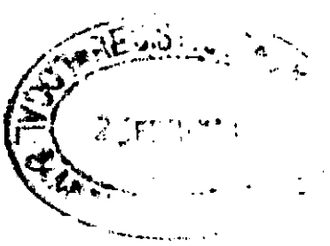
It is understood that there is a few
in the Subject in Lon. the draft is
for to that dept. w.o. for acceptance
CR
.2.21

CR
21.2.21

11/2/21

A.O 290 B.1
ca. 1.21

LOM



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